

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

WORDTECH SYSTEMS, INC.,  
A California Corporation

No. 2:04-cv-01971-MCE-EFB

Plaintiff,

v.

ORDER

INTEGRATED NETWORK SOLUTIONS,  
CORP., dba INTEGRATED SYSTEMS,  
aka INTERNET NETWORK STORAGE  
COMPANY, aka INSC; NASSER  
KHATEMI; HAMID ASSADIAN; BRIAN  
J. DEAN; MICHAEL F. ELLSWORTH;  
EHTERAM GHODSIAN; INTEGRATED  
NETWORK SOLUTIONS, INC., a  
Nevada Corporation; SHOHREH  
JAVADI; SAN JUAN UNIFIED  
SCHOOL DISTRICT; and DOES 1-  
50,

Defendants.

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Through the present action, Plaintiff Wordtech Systems, Inc.  
("Wordtech") alleges that Defendants Network Solutions, Inc.,  
Nasser Khatemi and Hamid Assadian ("Defendants") infringed  
several of its patents.

1 By Memorandum and Order dated June 21, 2007, the Court granted  
2 partial summary judgment in favor of Wordtech on grounds that any  
3 alleged invalidity of the patents in question had not properly  
4 been raised by Defendants as an affirmative defense in this  
5 litigation. Consequently the Court determined the patents to be  
6 valid.

7 In addition to moving for a summary adjudication as to the  
8 validity of the patents, Wordtech also filed a Motion to Strike  
9 Defendants' Expert Witness Disclosure and to Exclude Expert  
10 Witness Testimony. The sole expert disclosed by Defendants on  
11 January 23, 2007 was Lawrence Kamm, a licensed professional  
12 engineer, whose report expressed an opinion that the patents in  
13 question were invalid because of prior art. Mr. Kamm expressed  
14 no opinion as to whether any infringement on the part of  
15 Defendants had occurred since he believed the issue of  
16 infringement to be moot if the patents in fact were invalid.

17 In light of the Court's June 21, 2007 Order finding the  
18 patents to be valid as a matter of law, any expert opinion  
19 proffered by Defendants as to the invalidity of the patents is  
20 now moot. Moreover, with respect to infringement, Mr. Kamm's  
21 report offered no opinion as to that issue. In addition,  
22 Defendants did not oppose Wordtech's Motion to Strike the expert  
23 disclosure as to infringement.

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1 Wordtech's Motion to Strike Expert Witness Disclosure and to  
2 Exclude Expert Witness Testimony is accordingly GRANTED.<sup>1</sup>  
3 Lawrence Kamm shall be precluded from providing expert witness  
4 testimony or opinion at trial on the issues of invalidity of the  
5 patents at issue and infringement.

6 IT IS SO ORDERED.

7 Dated: July 20, 2007

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10 MORRISON C. ENGLAND, JR.  
11 UNITED STATES DISTRICT JUDGE  
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25 <sup>1</sup> Because oral argument will not be of material assistance,  
26 the Court ordered this matter submitted on the briefs. E.D. Cal.  
27 Local Rule 78-230(h).